IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.708 OF 2001

M/s.Bheda Brothers & Another .. Petitioners.

V/s.

The Union of India & Others .. Respondents.

Mr.M.V. Jayakar with Mr.Mihir Deshmukh & Ms.Neha Bhide i/b. M/s.Khaitan & Jayakar for the petitioners.

Mr.P.S. jetly with Mr.Y.R. Mishra i/b. Mr.H.D. Rathod for the respondents.

CORAM : R.M. LODHA &
J.P. DEVADHAR, JJ.

DATED : 5TH MAY, 2006.

P.C. :

Heard.

2. The counsel for the revenue submits that the respondent No.3 shall issue a show-cause notice to the petitioners and then proceed with the adjudication without being influenced by the public notice dated 20th February, 2001.

3. The counsel for the petitioners is satisfied with the statement of the counsel for the revenue. In view thereof, we dispose of the writ petition by following order :

(i) The respondent No.3 may issue a show-cause notice to the petitioners and then proceed with the adjudication in the matter.

(ii) The adjudication order shall be passed by the respondent No.3 uninfluenced by the public notice dated 20th February, 2001.

(iii) We record the statement of the learned counsel for the revenue that the copies of the documents upon which reliance may be placed in the show-cause notice shall be furnished to the petitioners.

(iv) The petitioners are directed to keep alive the bank guarantee furnished pursuant to the interim order of this Court until completion of the adjudication and for a period of two months thereafter.

4. No costs.

(R.M. LODHA, J.)

(J.P. DEVADHAR, J.)